

taxation have not brought about the desired result and gross inequalities are shown by the tax rolls of this State now on file in this department.

I suggest that a probable solution would be the creation of a State Board of Classification, as provided for in the above quoted article and section of the State Constitution. Their duties could be prescribed under constitutional authority and provisions made for certification to the County Board of Equalization, and prescribe their duty in regard to such classification. They are also a constitution board but on account of being with limited territorial jurisdiction cannot procure the necessary information for a general equalization of taxable values as between counties but can only equalize taxation in their respective county.

It is my pleasure to report that since receiving appointment at your hand January 1 of the present year, I have worked out and installed in the General Warrant Room of this Department a modern loose leaf posting system of accounting, such as is used in modern up-to-date banks of the State, carrying individual accounts, issuing separate warrants and giving daily balances on every appropriation made by the Legislature. This in my judgment was the crying need of this Department and has been for all the years, and in this connection permit me to say that I have established the same method of revising the list, establishing a modern system of loose filing card indexing into the Pension Department, which in my judgment is in perfect condition for the first time.

With gratitude to you personally for the opportunity to serve the State in this important Department, the above is

Respectfully submitted,
M. L. WIGINTON,
Comptroller.

FOURTH DAY.

Senate Chamber,
Austin, Texas,
Friday, January 14, 1921.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Baugh.	Lewis.
Bledsoe.	McMillin

Buchanan.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Rogers.
Darwin.	Watts.
Dudley.	Williams.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.

Hertzberg.
Murphy.

Absent.

Present—Not Voting.

Bailey.	Richards.
Davidson.	Russell.
Dorough.	Suiter.
Harp.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

Excused.

On motion of Senator Parr, Senator Murphy was excused for today.

On motion of Senator McNealus, Senator Buchanan was excused for today.

Bills and Resolutions.

By Senator Parr:

S. B. No. 41, A bill to be entitled "An Act to repeal Chapter 160 of the Acts of the Regular Session of the Thirty-sixth Legislature, approved April 3rd, 1919, the same being 'An Act regulating the employment of women and minors and establishing an Industrial Welfare Commission to investigate and deal with such employment, including the fixing of a minimum wage; providing for an appropriation therefor and fixing penalties for violating this Act, etc., and declaring an emergency.'"

Read the first time and referred to the Committee on Labor.

By Senator Murphy:

S. B. No. 42, A bill to be entitled "An Act providing that all trial courts in this State, before being authorized and empowered to impose any punishment or fine against another party for any alleged constructive contempt of said courts covering any alleged acts or conduct of said party, arising outside of and not in the presence of said courts, shall

submit the issues of fact involved in such alleged constructive contempt to a jury of said courts as in civil cases, and the findings of said jury shall adjudge the party guilty of contempt as alleged, and declaring an emergency."

Read the first time and referred to the Committee on Civil Jurisprudence.

By Senator Murphy:

S. B. No. 43, A bill to be entitled "An Act to amend Article 900, Title 10 of the Code of Criminal Procedure of the State of Texas, of 1911, so as to make bail bonds good in all criminal cases until verdict or judgment and until the defendant is taken in custody by the Sheriff, as amended by Chapter 10 of the General Laws of the Thirty-fifth Legislature, 1907, and extending the same for a period of thirty days after the date of overruling of the motion for a new trial."

Read the first time and referred to the Committee on Criminal Jurisprudence.

By Senator Hertzberg:

S. B. No. 44, A bill to be entitled "An Act to require persons owning, keeping, maintaining, controlling or managing hotels, inns, public lodging houses or places where sleeping and eating accommodations or sleeping accommodations only are furnished to the public, to post in a conspicuous place in the office the plan upon which the hotel is operated and a list of its charges for rooms, with or without meals, and to post in each room a placard giving the exact rate of that room, with and without meals; defining hotels; and providing penalties for violation of the provisions hereof; and declaring an emergency."

Read the first time and referred to the Committee on Criminal Jurisprudence.

By Senator Darwin:

S. B. No. 45, A bill to be entitled "An Act repealing Article 7380, Title 126, Chapter 2, Revised Civil Statutes 1911, providing for the payment of an occupation tax by individuals, companies, corporations and associations in this State selling pistols, and declaring an emergency."

Read the first time and referred

to the Committee on Civil Jurisprudence.

By Senator Darwin:-

S. B. No. 46, A bill to be entitled "An Act to amend Chapter 160, Pages 305-309, Acts Regular Session of the Thirty-sixth Legislature, entitled 'An Act regulating the employment of women and minors and establishing an Industrial Welfare Commission to investigate and deal with such employment, including the fixing of a minimum wage; providing for an appropriation therefor, and fixing penalties for violating this Act, and declaring an emergency,' by adding thereto Section 1a, providing extra pay for the Commission; Section 2a, creating additional investigators and compensation therefor, and Section 5a, relating to the employment and wage of female beginners, minors, deficient and experienced women; dividing the State into zones, classifying every business and calling, making the wage fixed under said Chapter 160 and this Act reasonable and fair; authorizing the courts to review same, and declaring an emergency."

Read the first time and referred to the Committee on Labor.

By Senator McNealus:

S. B. No. 47, A bill to be entitled "An Act to amend Sections 1, 2, 3, 4, 5, 6 and 7 of Chapter 7 of the General Laws of the Regular Session of the Thirty-third Legislature, approved February 11, 1913; providing for the suspension of sentence in certain cases of conviction of a felony of first offense upon recommendation of the jury; for the submission of the issue to the jury by the court; to provide the duration of the suspension of sentence; for pronouncing sentence after suspension thereof in case of final conviction of the defendant of any other felony or of the crime of theft of property of the value under fifty dollars or of embezzlement of property of the value of under fifty dollars; for the cumulation of punishment in such cases; for the granting of a new trial after suspension; the dismissal of the case in certain events after suspension; to repeal all laws and parts of laws in conflict herewith, and providing an emergency."

Read the first time and referred to the Committee on Criminal Jurisprudence.

By Senator Floyd:

S. B. No. 48, A bill to be entitled "An Act to fix a uniform date on which county and precinct officers shall qualify and take over the duties of their respective offices, following their election, and to repeal all laws in conflict therewith, and declaring an emergency."

Read the first time and referred to the Committee on Privileges and Elections.

By Senator Hertzberg:

S. J. R. No. 3, A joint resolution to amend Section 50, Article 3, of the Constitution of the State of Texas, to provide that the Legislature shall have power to give or lend or authorize the giving or lending of the credit of the State for the purpose of assisting citizens who are heads of families to acquire or improve their homes; authorizing the State to acquire, improve, sell or lease real estate or assist such citizens to acquire or improve their homes upon terms and conditions prescribed by the Legislature; authorizing the Legislature to create such agencies as may be necessary to carry out the purposes of this Section; providing that obligations created under this Section shall never be taxed; and providing that the Legislature shall have authority to provide a method of securing any deferred payments for lands purchased hereunder, and that such obligations shall be secured in addition to the usual liens by an annual assessment collected as a tax against the land; and providing that the Legislature shall have no power to relieve any person from any obligation entered into under this provision or any statute enacted thereunder, and prohibiting the levying of taxes and making of appropriation for extending aid to those accepting benefits of this system.

Read the first time and referred to the Committee on Constitutional Amendments.

By Senator Page:

S. J. R. No. 4, A joint resolution of the Legislature of the State of Texas amending Sections 5 and 21 and 22 and 23, of Article 4, of the Constitution of the State of Texas, relating to the compensation of the executive officers of said State.

Read the first time and referred to the Committee on Constitutional Amendments

By Senators Fairchild, Cousins, Clark, Dudley:

S. C. R. No. 2. Supporting the Attorney General in various legal proceedings, resisting the provisions of the Transportation Act of 1920, known as the Cummins-Esch Bill, providing for appropriating such sums as may be necessary for that purpose.

Be it resolved by the Senate of the State of Texas, the House of Representatives concurring:

That whereas, there is now pending in the various courts of the land, both Federal and State, litigation involving the validity of the Constitution and laws of Texas and which will result in testing the validity of the Cummins-Esch Bill in its features wherein encroachments are made upon the proper provision and jurisdiction of the Railroad Commission of Texas and the Constitution and Laws of the State of Texas; and

Whereas, the Attorney General is now faithfully representing the State of Texas to the best of his ability and the means at his hands; and

Whereas, we recognize that it is the duty of the lawmaking power of this State to render the proper aid and support; therefore, be it

Resolved, That we commend the Attorney General and Railroad Commission of Texas in their efforts to uphold the Constitution and laws of Texas and pledge to them all necessary and proper aid and assistance, and, if necessary, have the Attorney General employ counsel and incur necessary expenses in vindication of the laws of the State of Texas. We pledge to him to use for this purpose the sum of Fifty Thousand Dollars, or so much thereof as may be necessary, or such additional sum as may be required to defend the Constitution and laws of the State of Texas, and the authority of our State to deal with its own intrastate transportation matters.

The resolution was read and referred to the Committee on Finance.

Simple Resolution No. 8.

Be it resolved by the Senate of the Thirty-seventh Legislature that the Sergeant-at-Arms be directed to purchase ten copies of Vernon Sayles 1920 Statutes, in one volume, to be paid for out of the Contingent Expense Fund of the Senate, one copy

to be delivered to each Senator and the Lieutenant Governor on his requisition, and at the end of the Session, to be surrendered to the Sergeant-at-Arms to be used at succeeding Sessions and succeeding Legislatures, such purchase to be made immediately.

ROGERS,
McMILLIN,
WITT.

The resolution was read and Senator Clark moved that it be referred to the Committee on Contingent Expenses.

Senator Carlock moved to table the motion to refer, which motion was adopted by the following vote:

Yeas—12.

Baugh.	McMillin
Bledsoe.	Rogers.
Carlock.	Williams.
Floyd.	Witt.
Hertzberg.	Wood.
Lewis.	Woods.

Nays—10.

Clark.	Hall.
Cousins.	Page.
Darwin.	Parr.
Dudley.	Richards.
Fairchild.	Watts.

Absent.

McNealus.

Absent—Excused.

Bailey.	Harp.
Buchanan.	Murphy.
Davidson.	Russell.
Dorough.	Suiter.

The resolution was then adopted by the following vote:

Yeas—15.

Baugh.	McNealus.
Bledsoe.	Richards.
Carlock.	Rogers.
Cousins.	Williams.
Dudley.	Witt.
Hertzberg.	Wood.
Lewis.	Woods.
McMillin	

Nays—8.

Clark.	Hall.
Darwin.	Page.
Fairchild.	Parr.
Floyd.	Watts.

Absent—Excused.

Bailey.	Harp.
Buchanan.	Murphy.
Davidson.	Russell.
Dorough.	Suiter.

Joint Committee Report.

Committee Room,
Austin, Texas, Jan. 13, 1921.
Hon. W. A. Johnson,
President of the Senate, and
Hon. C. G. Thomas,
Speaker of the House of Representatives.

Sirs: Your Joint Committee, appointed to arrange for counting the votes and for the inauguration of the Governor and Lieutenant Governor, beg leave to recommend that the House and the Senate meet in Joint Session in the Hall of the House of Representatives, on Monday, the 17th day of January, A. D. 1921, at 10:30 o'clock a. m., for the purpose of counting said votes, and that the House and Senate sit in Joint Session in the Hall of the House of Representatives, on Tuesday, the 18th day of January, A. D. 1921, at 12 o'clock noon, at which time the Joint Committee will escort the Governor and Lieutenant Governor-elect to the Speaker's stand, and the oath of office will be administered to them by Hon. Nelson Phillips, Chief Justice of the Supreme Court of Texas.

WOODS,
WITT,
BUCHANAN,
WOOD,
DARWIN,
On the Part of the Senate.
O. B. BLACK,
WALTER JONES,
W. E. NEBLETT, JR.,
LEE J. ROUNTREE,
ROBT. B. THRASHER,
J. T. SMITH,

On the Part of the House.

The report was read and adopted.

Hour for Executive Session Changed.

Senator Page here moved that the hour for the holding Executive Session be changed from 11 o'clock a. m. to 11:15 o'clock a. m. today.

The motion was adopted.

Executive Messages.

Governor's Office,
Austin Texas, Jan. 14, 1921.

To the Texas State Senate.

Gentlemen: I ask the advice, consent and confirmation of the Texas State Senate to the following recess appointment, which was inad-

vertently omitted in my message under date of January 11: To be Associate Justice of the Court of Civil Appeals, Fourth Judicial District: Honorable Edward W. Smith vice Honorable A. N. Moursund, resigned.

Respectfully submitted,

W. P. HOBBY,
Governor.

Governor's Office,
Austin, Texas, Jan. 8, 1921.

To the Thirty-seventh Legislature in Regular Session.

Gentlemen: Upon my recommendation, the Thirty-sixth Legislature, the Fourth Called Session thereof, enacted House Bill No. 6 known as the "Open Port Bill," not only extending those powers of the State, which may be properly exercised, to keep the ports of Texas open, but to facilitate the movement of commerce by all common carriers and to protect all persons engaged in the work of loading and unloading freight or in any work incident to transporting commerce in this State. The purpose of this measure has been wilfully distorted by those who are enemies of law and order and its terms have been widely misrepresented by a few persons, for selfish purposes, and by others who have been misled and deceived as to the purpose and effect of the Act.

I urge the careful reading of this Act by each and every member of your honorable body and if a way can be found to strengthen it in the purposes sought to be accomplished, I trust, in your wisdom, it will be done; while, on the other hand, I trust that even an effort will not be made to impair its usefulness.

It has been untruthfully called an "Anti-Strike Law." It does not interfere with the right of any person to strike, but does seek to prevent persons from compelling others to strike against their will and judgment.

It is in Section 4 that the offense which this Act penalizes is defined. Therefore, if the right to strike is taken away, it can only be through Section 4 of the Act, which is as follows:

Sec. 4. "It shall be unlawful for any person or persons by or through the use of any physical violence or by threatening the use of any physical violence, or by intimidation or threatening destruction of his property to interfere with or molest or harass any person or persons engaged in the work of loading or unloading or transport-

ing any commerce within this State."

It has been falsely stated that the Act interferes with the right of collective bargaining, and also infringes upon the inalienable right of workers to organize for mutual advancement and for their own protection. Collective action is mentioned only in Section 5 and if either of these rights are invaded, it can only be through Section 5 of the Act which is as follows:

Sec. 5. "It shall be unlawful for any two or more persons to conspire together to prevent or attempt to prevent by the use of physical violence or intimidation or by threats of physical violence or by abusive language spoken or written to any person engaged in loading or unloading or transporting any commerce within this State or performing the duties of such employment."

It is manifest, therefore, from a reading of the Act that those who claim that this law interferes with the right to strike cannot substantiate the claim. It prohibits alike all persons, whether strikers or not, from beating up, assaulting, or intimidating other persons engaged in peaceable and lawful work, and from driving such persons so engaged from such work.

It is equally plain that those who claim that the Act interferes with collective bargaining and the sacred right of organization can not substantiate the claim unless the right of collective bargaining and of organization carries with it the right of two or more persons to conspire together and by the use of physical violence and assaults or abusive language, spoken or written, or by insults and intimidation, interfere with a person peaceably engaged in lawful work.

The "sacred right to strike" must not be construed to destroy the sacred and inalienable right to peaceably work at a lawful occupation, nor to drive by violence and abuse, from work, those who may not be peaceably persuaded or convinced.

Persons who impede the movement of commerce or perpetrate or direct violence and molestation against those who labor in a peaceable manner in a lawful occupation are made guilty of a felony if violence is used or life is threatened to drive such laborer from his lawful pursuits and guilty of an offense punishable by confinement of one to twelve months in the county jail, if the interference is by means less offensive. It provides, too, that if

the State cannot obtain a fair trial for the prosecution of offenders in a county where an indictment is brought under the provisions of the Act, the venue may be changed to an adjoining county upon motion of the Attorney General of the State. This is an indispensable provision, for without this power given to the chief law officer of the State, the worse local conditions should become in any place the more certainly would the enforcement of the law become a mockery.

This Act also provides that if local authorities are failing to enforce the law and are failing to protect life and property and the Governor is convinced of this fact, he, upon proclamation, may take police jurisdiction where the interference occurs, and State rangers and special officers may be used under the direction of the Governor to enforce the provisions of the Act, while said police jurisdiction by the Governor shall supersede the police authority of any local character in the area described by proclamation. While operating under the proclamation of the Governor, and only then, indictments against those who attempt to interfere with the movement of commerce or those who infringe upon the right of the individual to engage in honorable work may be returned by grand juries in adjoining counties if the grand juries in counties where violations occur fail in their duty.

Under the terms of this Act, the enforcement of the law and the preservation of peace, when made a mockery by persons interfering with the movement of commerce, is rendered possible, and the way provided through a new but simple method of giving life and vitality to those powers the people of Texas in their Constitution have reposed in the Governor of the State. In other words, the law-making body has thus made it possible for the Governor in a more efficient and practical manner than has heretofore been the case to faithfully execute the laws, which responsibility is imposed upon him by the Constitution.

The prosperity of Texas depends upon keeping open the channels of trade. This is indispensable to every class of our people. The farmer, the laborer, every producer and every consumer is alike interested in the best markets in which to buy and sell. The uninterrupted movement of freight is essential to our greater development. Through the medium of this Act a public policy has been written into the

laws of the State contributing to the welfare of the people generally and affording certainty of transportation to each and every line of business and safeguarding the movement of the crops of Texas whose congestion would bring serious loss not only to the farmers and merchants but to consumers throughout the land; a fact which we all know and with which we might, but for this law, be brought face to face at any time.

But aside from the benefits to the material interests of the State involved in this measure, there is a higher reason for the existence of this law. The principle which it puts into statutory form is contained in the Declaration of Independence. It is as old as the oldest principle of human liberty. It is the pursuit of happiness with which that fundamental document declares every citizen to be endowed by the Creator, and to be inalienable from him. It declares the rule of human freedom without which there can be no State, no society, no peace, no happiness, and that is the inalienable right of every free man to work in any honest and peaceable occupation that he may elect, so long as he harms no one; the right of an honest man to do unmolested an honest day's work to support himself and his family. The most sacred right of the individual, not less sacred even than life and liberty is, according to our high fundamental law, the pursuit of happiness.

The meaning of "pursuit of happiness" and its inalienable character have been determined by the Supreme Court of the United States in a decision by Justice Field, concurred in by the court, from which I quote as follows. (U. S. Reports, Vol. 111, page 756):

"As in our intercourse with our fellowmen certain principles of morality are assumed to exist, without which society would be impossible, so certain inherent rights lie at the foundation of all action, and upon a recognition of them alone can free institutions be maintained. These inherent rights have never been more happily expressed than in the Declaration of Independence, that new evangel of liberty to the people. We hold these truths to be self-evident—that is so plain that their truth is recognized upon mere statement—that all men are endowed—not by edicts of Emperors, or decrees of Parliament, or Acts of Congress, but by their Crea-

tor with certain inalienable rights'—that is, rights which cannot be bartered away, or given away, or taken away except in punishment of crime—and that among these are life, liberty and the pursuit of happiness, and to secure these—not grant them, but secure them—'governments are instituted among men deriving their just powers from the consent of the governed'—

"Among these inalienable rights, as proclaimed in that great document is the right of men to pursue their happiness, by which is meant the right to pursue any lawful business or vocation, in any manner not inconsistent with the equal rights of others, which may increase their prosperity or develop their faculties, so as to give them their highest enjoyment.

"The common business and callings of like, the ordinary trades and pursuits, which are innocuous in themselves, and have been followed in all communities from time immemorial, must, therefore, be free in this country to all alike upon the same conditions. The right to pursue them, without let or hindrance except that which is applied to all persons of the same age, sex and condition, is a distinguishing privilege of citizens of the United States, and an essential element of that freedom which they claim as their birthright."

A measure which protects the commerce of Texas and is designed to keep open the arteries of trade, which outlaws violence, threats, intimidation, harassment and molestation when applied against those who labor and at the same time is founded upon one of the fundamental principles written in the Declaration of Independence, the greatest of all documents giving expression to the purpose of free government, will, I feel confident, commend itself to your favor and receive cordial support at your hands.

Respectfully submitted,
W. P. HOBBY,
Governor.

Governor's Office,
Austin, Texas, Jan. 12, 1921.

To the Thirty-seventh Legislature in Regular Session:

I transmit for your consideration a memorial from each and all of the Regents of the University of Texas, the same having been adopted in formal meeting.

I believe no higher duty devolves upon the Legislature than that set

forth in Section 10, Article 7, of the Constitution, to establish, organize and provide for the maintenance, support and direction of a University of the first class.

It is apparent that the present site of the University of Texas will not permit of necessary expansion, and the desired end will not be accomplished unless ample room is afforded in the first instance for the development of such a University as will meet the growing demands of this State.

I therefore join in approval of the recommendation to locate the University of Texas at Austin, as the people of this State have voted, on the proposed site, donated for the purpose and offering an ideal location for the building of a University on a comprehensive scale and capable of such expansion as may be necessary as the years pass.

I feel that the matter calls for consideration at this time because of the necessity for additional buildings to take care of present needs, and it is obvious that a decision as to the permanent site of the University should be reached before large sums are spent on a site which, in the wisdom of your body or of a subsequent Legislature, may have to be abandoned.

I therefore submit the matter to your honorable body for such consideration and disposition as the combined wisdom of its members may dictate.

Respectfully submitted,
W. P. HOBBY,
Governor.

To the Honorable William P. Hobby, Governor of Texas; to the Honorable Pat M. Neff, Governor-elect of Texas, and to the Honorable Senate and House of Representatives of the Thirty-seventh Legislature.

Gentlemen: We, the members of the Board of Regents of the University of Texas, desire with great respect to call the attention of your honorable bodies to the following facts and circumstances under which we labor in our efforts to discharge the obligations which our commissions impose. For nearly thirty-eight years, this Board and its predecessors have earnestly endeavored to build and maintain for the young men and women of Texas a University of the first class, comparable to other institutions of like sort in this Republic and conformable to the de-

mands of the Constitution and laws of this State. This we now respectfully submit we have been unable to do except to a limited extent, and it is our deliberate conviction that the ideal which we have before us and which this great Commonwealth deserves and desires cannot be more nearly attained upon the foundation which has been laid and under the constitutional limitations by which our powers are restricted.

In the past seven years, the attendance in the main University and its branches has increased more than one hundred per cent, necessitating the erection of numerous unsightly, unsanitary, and unsafe wooden buildings for instruction purposes, the crowding of class rooms and laboratories to the detriment of the health of students and the standards of living, and causing the expense of maintenance to increase in undue proportion to the service which can be rendered. This increase in enrollment has further revealed the fact that suitable living quarters for students cannot be found, which accounts for the relatively smaller advancement in attendance this year, for we are reliably informed that the parents of not less than two hundred and fifty prospective students came to Austin in September and failing to find any sort of accommodations, sent their sons and daughters elsewhere for their training. It is certain, therefore, that the University of Texas has reached its maximum growth upon its present foundation, whereas its history shows a normal increase of from ten to twenty per cent each year and by nothing less than can it keep pace with the rapidly advancing demands which the people are making upon it for service. The United States Commissioner of Education has recently reported that Texas leads all the States of the Union in the proportion of high school graduates who go to college, and we confidently believe that by 1925 the University of Texas, in the light of the experience of other States much smaller than Texas, should have a long-session attendance of not less than 7,500 students, exclusive of extension students.

In addition to this, we beg to submit that only three buildings upon the present campus are of fireproof construction; that one of the most essential has been condemned as unsafe; that they are altogether in-

adequate and outgrown; and that most of the valuable equipment which is the accumulation of years of effort, and which cost more than a million dollars, is in constant jeopardy of destruction by fire, to say nothing of the loss of life which might be incurred, which we are endeavoring to forestall by fire drills to the serious disturbance of class and laboratory exercises. The wooden buildings which we have been compelled to erect are not only subject to all the above criticisms, but are positively wasteful economically on account of the rapidity of their depreciation.

Further, not only is the physical plant of the University inadequate, outworn, and dangerous, but the present campus, consisting of only forty acres, is too small not only for the growth which we anticipate but even for the buildings now required. In the early days of the University's existence, sufficient real estate could have been secured contiguous to the present site at a nominal expenditure, but this is no longer true. Practically all of the land necessary for the present and future development of the institution is encumbered with residential and other buildings which can be of no possible use to the University and would therefore have to be demolished to make room for structures adapted to its purpose, involving an economic waste which our judgment cannot approve. Many of these are homes about which the affections of generations have gathered, and, even if their acquisition would secure for the University adequate grounds for its future expansion, which we believe it would not do, we cannot face with equanimity its development at the cost of the bitterness which such a course must inevitably produce. Further than this, we believe that the financial outlay required is prohibitive. We have recently made a careful investigation of this matter, and have ascertained that to acquire land in an amount which meet the conditions for even a single generation would require the expenditure of approximately five million dollars, and at the end of that period the University and the State would face in all probability the same problems by which they are now confronted. And, inasmuch as the buildings alone which are now necessary, according to the schedule attached hereto, call for the expenditure in the next five

years of ten million dollars, we can not submit to you the appalling proposal to expend the sum of five millions in addition for the mere purchase of land, if there be any other available solution of that problem.

The difficulties above outlined are made even more serious by the fact that the Constitution of Texas makes it impossible for the Legislature to appropriate any funds from the general revenue or to levy any tax for the erection of permanent buildings or for the purchase of land for the University, and the two unsuccessful attempts which have been made in recent years to amend the Constitution in that and other particulars do not encourage us to believe that any immediate remedy can be expected from that source.

We therefore beg leave to submit for your consideration and favorable action the following proposals, which have been adopted by the unanimous vote of the Regents:

1. We propose that the Thirty-seventh Legislature endorse the action of the Board of Regents to move the main University from its present site to the land on the Colorado River given some years ago by Hon. George W. Brackenridge, of San Antonio. This proposed site is of commanding importance, beautifully located, and should be adequate for all future conceivable needs of the University. It consists at present of nearly five hundred acres, situated on both banks of the river; and, in addition to his other benefactions, Mr. Brackenridge before his death proposed to purchase approximately three hundred acres contiguous thereto, all of which was to be deeded by him in fee simple to the State of Texas for the use of the University. The death of Mr. Brackenridge may make some changes in the forms of his benefactions to the University, but we are convinced that the land in question should be acquired. Options to purchase the additional land are in hand, and the remainder can be obtained at a fair valuation, if necessary by court procedure. A map of the city of Austin is attached to this memorial, showing the proposed site.

2. We propose that the Thirty-seventh Legislature purchase from the Board of Regents the present campus and buildings of the University, at a valuation to be agreed upon between your honorable bodies and

the Board of Regents, reserving to the University the right of continued occupancy thereof until the new plant can be completed. We submit that these premises and buildings can be used to advantage by the State government as offering a suitable location for the State Library, the Supreme and Appellate Courts, and other State departments, with sufficient ground for their future development.

3. We propose that the Thirty-seventh Legislature make an appropriation to reimburse the Available University Fund for moneys which have been expended from this fund for maintenance of the University, which expenditures were properly chargeable to the general revenue of the State. The amount so expended is upwards of three million dollars. If the University Available Fund could have been conserved for building purposes, the needs of the institution would today be more adequately supplied.

4. We propose that the Thirty-seventh Legislature authorize the Board of Regents to assign, upon such terms and conditions as the Board may determine, certain lots or plats of ground out of the acreage referred to under Proposal 1 hereof to churches, institutions, and organizations maintained and operated primarily for the benefit of the University, and to individuals connected with these organizations or with the administrative or instruction staffs of the University, the purpose of this proposal being to gather all such salutary influences about the institution and at the same time to hold the University lands free from the dangers of private exploitation.

5. We propose that the Thirty-seventh Legislature submit to the people of Texas such constitutional amendments as will enable future Legislatures to provide for the completion of the plant and for the proper maintenance of the University. In this connection, we submit our belief that the form of the present University endowment can be changed so that it may be made to cover the major portion of the building and equipment needs of the University with little additional cost to the people of Texas than that entailed by the second and third proposals of this memorial.

In the event that your honorable bodies should concur in the forego-

ing recommendations, the following conditions would appear:

1. There would then be available for buildings and equipment for the biennium beginning September 1, 1921, the sums realized from the appropriations requested in Proposals 2 and 3 of this memorial, and in addition to this approximately one million dollars from the University Available Fund, conditioned, however, upon full appropriations for maintenance by the Thirty-seventh Legislature for the biennium. We are further assured that the Scottish Rite Masonic bodies of the State have provided for the erection of dormitories for students of the University in the next four or five years at the cost of one million dollars. These sums would go far toward meeting the demands of the main University, less, of course, any sums which might be required for the Medical Branch and the College of Mines and Metallurgy, and could be made adequate for the needs of the institution if construed with sufficient liberality by your honorable bodies, provided that such construction would not, in your judgment, impose too great a burden upon the taxpayers of the State.

2. The interests of economy will be served by planning and building at practically one time or upon a definitely continuous program. The whole architectural and landscaping scheme could be established by matured consideration of the styles and relative locations of individual buildings in a consistent group, and the necessary expense of fees for such buildings could be reduced to cover only the cost of the grouping scheme and the detailed drawings of typical buildings, the work of supervision and the plans for buildings following established types being largely under the University resident architect.

3. The adoption of the proposals herein outlined would, in our judgment, furnish such a foundation as would appeal to the collective generosity of the ex-students of the University and at the same time offer to other wealthy citizens of Texas opportunities for the utilization of their means, affording to all such assurance of both adequacy and permanency as to encourage them to share with the State the burden of both equipment and support. We believe that no inconsiderable part of the proposed initial expenditure over

and above the amounts herein named would be forthcoming from private sources.

We therefore most respectfully request and urge your consideration of these proposals and your early and favorable action upon them. We believe that the people of Texas desire some such consummation as is contemplated herein and that they will not consider them exorbitant or themselves unduly burdened by their cost. The visions and purposes of the fathers of Texas were broadly conceived but they still remain unrealized and unaccomplished. We, as a Board of Regents, find it impossible to continue our present disjointed and disappointing efforts in this direction, at least without disburdening ourselves of the obligations of failure by reference of these matters to you upon whom the responsibility rests as the representatives of the people. We believe that the execution of these proposals will rob the future of any opportunity to feel that we have administered the affairs of our generation with that lack of vision which so often charge against the past.

All of which is respectfully submitted by the Board of Regents, in Called Session assembled, in the city of Austin, Texas, January 5, 1921.

Frederick W. Cook, Chairman; W. R. Brents, J. A. Kemp, C. E. Kelly, Louis J. Wortham, Henry J. Lutchter Stark, H. A. Wroe, W. H. Folts, E. H. Perry.

The University of Texas,
Austin, Texas, Jan. 10, 1921.
President R. E. Vinson,
The University.

Dear Sir: On January 5, 1921, the Board of Regents of the University adopted a memorial to Governor Hobby, Governor-elect Neff and the Honorable Senate and House of Representatives of the Thirty-seventh Legislature, recommending the removal of the University from its present site to the Brackenridge tract on the Colorado River. The attached pamphlet contains a true and correct copy of that memorial.

Very truly yours,

E. J. MATHEWS,
Secretary Board of Regents.

Personally appeared before me, on this, the 10th day of January, 1921, E. J. Mathews, known to me to be the Secretary of the Board of Regents of the University of Texas, who

affirmed that the above statements are true and correct. Signed,
E. R. CORNWELL,
Notary Public in and for Travis
County, Texas.

Tentative list of buildings desirable for the University of Texas:

1. Library building, to be used for
Library
Library school
Seminary rooms
Historical museum.
2. Academic hall, to be used for
Class rooms for languages
Mathematics
Social sciences
Philosophy and psychology
Public speaking
Administrative offices.
3. Women's building, to be used for
Women's headquarters
Women's physicians
Home economics
4. Women's gymnasium.
5. Auditorium building, to be used for
Grand auditorium
Little theater
Lecture hall.
6. School of Music.
7. Commons.
8. Men's hall, to be used for
Men students' association
Literary societies
Oratorical and other men's activities
Friendly rooms
Alumni Association.
9. Men's gymnasium, to be used for
Baths and swimming pool.
10. Law School.
11. School of Education.
12. Standard Practice School.
13. Bureau of Extension.
14. Fine Arts hall
(Architectural wing only.)
15. Texas Museum, to accommodate
Anthropology, etc.
16. Chemistry, to be used for
Chemical engineering.
17. Physics.
18. Natural History hall, to be used for
Natural museum
Botany
Geology
Bureau of Economic Geology,
etc.
Zoology.

19. Printers' hall, to be used for
Journalism
Press
Publicity.
20. Business administration.
21. Engineering group.
22. Power house, tunnels and shops.
23. Greenhouses.
24. Dormitories for 4,000 students
(1,000 will live in Austin.)

Senate Bill No. 8.

Senator Page called for consideration of the regular order, S. B. No. 8. The Chair laid before the Senate on second reading,

S. B. No. 8, A bill to be entitled "An Act making an appropriation of Nine Hundred Eighty-eight Thousand (\$988,000.00) Dollars to pay off and discharge one hundred seventy-eight (178) refunding coupon bonds of the State of Texas, dated January 1, 1904, due forty years after date, each in the sum of One Thousand (\$1,000.00) Dollars, bearing interest at three (3%) per cent, payable January 1st and July 1st of each year, aggregating One Hundred Seventy-eight Thousand (\$178,000.00) Dollars; also eighty-one (81) refunding coupon bonds each in the sum of Ten Thousand (\$10,000.00) Dollars, dated September 1, 1910, due forty years after date, bearing three (3%) per cent interest, interest payable January 1st and July 1st, said bonds aggregating Eight Hundred Ten Thousand (\$810,000.00) Dollars; all of which said bonds are now held by the permanent school fund of the State, and declaring an emergency."

The bill was discussed, and on motion of Senator Page, the same was laid on the table subject to call.

Executive Session.

The Chair here announced that the hour 11:15 o'clock a. m., which time had been designated for the Senate to sit in executive session to consider appointments by the Governor, had arrived, and directed that the chamber be cleared of all who were not entitled to remain.

In executive session the following confirmations were made, as reported by the secretary to the Journal clerk:

Hon. Maury Hughes, Criminal District Attorney, Dallas County, Texas.
Hon. George W. Brackenridge, San

Antonio, Texas, member Board of Regents, State University.

Hon. E. H. Perry, Austin, Texas, member Board of Regents, State University.

Hon. W. H. Folts, Austin, Texas, member Board of Regents, State University.

Dr. I. L. McGlasson, San Antonio, Texas, member State Board of Medical Examiners.

Hon. Ben H. Powell, Huntsville, Texas, member Commission of Appeals.

Hon. D. E. Lyday, Fort Worth, Texas, Commissioner of Markets and Warehouses.

Hon. B. W. Baker, Midland, Texas, District Attorney of the Seventieth Judicial District.

Hon. V. A. Collins, Dallas; R. F. Sterling, Houston; Sidney Samuels, Fort Worth; M. H. Wolfe, Dallas; Sam Sparks, Austin, members of the Industrial Commission.

Hon. Edward W. Smith to be Associate Justice of the Court of Civil Appeals, Fourth District.

In the Senate.

Senate Concurrent Resolution No. 2.

Senator Dudley offered the following committee report:

Hon. W. A. Johnson, President of the Senate.

Your Committee on Finance having examined and considered Senate Concurrent Resolution No. 2, beg leave to state that we have examined said resolution and recommend that it be passed with amendment.

DUDLEY, Chairman.

Amend by striking out all after the word, "assistance." in line four of the resolution.

The above Committee report was read, and Senator Dudley moved that the Senate rule requiring Committee reports to lie over for one day, be suspended and the motion was adopted.

The Committee report, with amendment, was adopted.

The resolution was then adopted. (Note: See resolution under head of Bills and Resolutions.)

Adjournment.

On motion of Senator McNealus, the Senate, at 12 o'clock noon, adjourned until 10 o'clock Monday morning.

APPENDIX.

Committee Reports.

(Floor Report.)

Senate Chamber,
Austin, Texas, Jan. 14, 1921.

Hon W. A. Johnson, President of the Senate.

Sir: We, your Committee on Rules to whom was referred Simple Resolution No. 6, a resolution proposing the amendment of Rule 92 and Rule 71, have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that the same be adopted.

HALL, Vice Chairman.

Committee Room,
Austin, Texas, Jan. 13, 1921.

To the Hon. W. A. Johnson, President of the Senate.

We, your Committee on Criminal Jurisprudence, having had under consideration Senate Bill No. 6, beg to report same back to the Senate with recommendation that it do pass.

HERTZBERG, Chairman.

Committee Room,
Austin, Texas, Jan. 13, 1921.

To the Hon. W. A. Johnson, President of the Senate.

We, your Committee on Criminal Jurisprudence, having had under consideration Senate Bill No. 7, beg to report same back to the Senate with recommendation that it do pass.

HERTZBERG, Chairman.

FIFTH DAY.

Senate Chamber,
Austin, Texas, Jan. 17, 1921.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Baugh.	McMillin
Bledsoe.	McNealus.
Buchanan.	Murphy.
Carlock.	Page.
Clark.	Parr.